IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31668 of 2006(T)

OS.639/2004 of PRL.MUNSIFF COURT, CHERTHALA

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PETITIONER:

MANI @ DAMODARA PANICKER,
S/O.PARAMESWARAN NAIR, AMBATT PACHU BHAVAN,
KUTHIATHODE VILLAGE, CHERTHALA TALUK,
THURAVOOR P.O., ALLEPPEY DISTRICT,
PIN-688 532.

BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SRI.JAYKAR.K.S.

RESPONDENTS:

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1. KRISHNANKUTTY @ NARAYANA PANICKER,
S/O.PARAMESWARAN NAIR,
BHAGI BHAVAN, KUTHIATHODE VILLAGE, CHERTHALA TALUK
THURAVOOR P.O., ALLEPPEY DISTRICT,
PIN-688 532.

2. K.J.SUSEELA, W/O.NARAYANA PANICKER,
BHAGI BHAVAN, KUTHIATHODE VILLAGE,
CHERTHALA TALUK, THURAVOOR P.O., ALLEPPEY DISTRICT
PIN-688 532.

3. KAMALA DEVI,
W/O.LATE PARAMESWARA PANICKER,
AMBATT BABY NILAYAM, KUTHIATHODE VILLAGE,
CHERTHALA TALUK, THURAVOOR P.O.,
ALLEPPEY DISTRICT, PIN-688 532.

4. LAKSHMI (MINOR AGED 12 YEARS),
D/O.KAMALA DEVI, AMBATT BABY NILAYAM,
MUTHIATHODE VILLAGE, CHERTHALA TALUK,
THURAVOOR P.O., ALLEPPEY DISTRICT, PIN-688 532,
(REP. BY MOTHER AND GUARDIAN 3RD RESPONDENT).

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.31668 OF 2006

DATED THIS THE 29th DAY OF NOVEMBER, 2006

JUDGMENT

Petitioner is the plaintiff in O.S. 639/04 on the file of Munsiff Court, Cherthala. This petition is filed under Article 227 of Constitution of India for a direction to Munsiff to dispose of the interlocutory applications filed by him in the suit and also to dispose the suit as expeditiously as possible. Ext.P2 is an application filed under order VI Rule 17 of C.P.C. to amend the plaint. Ext.P3 is an application to implead supplemental additional defendants 2 and 3. Ext.P4 is an application to implead legal heirs of the proposed second defendant and Ext.P5 is an application filed under Order XXXIX Rule 2A for taking action for violation of order of injunction.

2. The case of petitioner was that eventhough the petitions were filed long back, learned Munsiff is not disposing them. Learned Counsel appearing

for petitioner also submits that as the petitioner is a senior citizen, learned Munsiff may be directed to dispose the suit. The direction to dispose the suit is possible only after pretrial steps are complete. So long as Exts.P2 to 5 petitions are not disposed of, steps will not be completed. If additional defendants are to be impleaded, they have necessarily to file a written statement. Therefore at this stage it is too early to give a direction to dispose the suit. Learned Munsiff is directed to dispose Exts.P2 to P4 and P6 applications as expeditiously as possible and in any event within six months from the date of receipt of a copy of this judgment.

M.SASIDHARAN NAMBIAR,JUDGE

Acd